

REMARKS

The Examiner first issued a Notice of Non-Complaint Appeal Brief on June 25, 2007, checking paragraphs 2 and 4 only as the basis of non-compliance. At the bottom of that first Notice, the Examiner states the reasons for checking these paragraphs as:

“2. Status of claims must indicate the status of all claims filed.
4. Summary of claimed subject matter must identify and map all
independent claims on appeal (30, 37, 46, & 52) to specification by page and
line number or paragraph number and/or drawings, if any.”

In response to this first notice, the Applicant filed an amendment to the brief on July 24, 2007. This amendment was deemed by the Examiner to fully be fully compliant and the Examiner thereafter submitted his answer, stating on page 2 thereof that “[t]he summary of claimed subject matter contained in the brief is correct.” The Applicant then submitted his reply on May 6, 2008, and the Examiner issued a response on July 22, 2008 indicating that the application had been forwarded to the Board for decision.

On March 9, 2009, in response to the Board’s own decision that the appeal brief was non-compliant, the Examiner issued a second Notice of Non-Compliant Appeal Brief, again checking paragraph 4 and stating the following as the reason for checking this paragraph:

Section VI: Summary of claimed subject matter must separately identify and map
all independent claims on appeal (30, 37, 46, and 52) to specification by page and
line number or paragraph number.”

The basis of the current rejection is virtually identical to the previous notice, the only apparent difference being a request to now *separately* identify and map the independent claims to the drawings and the Specification. Accordingly, the Applicant has again amended the brief in an effort to satisfy the Board and the Examiner’s request, revising the description to separately map each of the independent claims individually to the specification and drawings.

In accordance with MPEP 1205.03, we again respectfully submit that an entire amended brief is not necessary and the submitted response, amending the relevant sections of the brief is sufficient. If the Examiner feels that an entire new brief is required, we respectfully request that the examiner contact the undersigned. In this regard, we again note that a change of correspondence address was previously filed in this case and that the undersigned be contacted at the address and/or phone number below to prevent any undue delays.

We respectfully submit that the Appeal Brief, as amended, is compliant. We note for the record that this application will have been pending for 10 years next month. Prompt consideration of the case on the merits is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, reading "Frank Cona". The signature is written in a cursive, flowing style.

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